

HOUSE BILL 1879

By Travis

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 1, Part 1, relative to the solicitation of accident and disaster victims by health care prescribers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following language as a new section:

(a) Health care prescribers, their employees, agents, or independent contractors shall not conduct in-person solicitation, telemarketing, or telephonic solicitation of victims of an accident or disaster, for the purpose of marketing services related to the healing arts, unless:

(1) The health care prescriber has a family or prior professional relationship with the victim; or

(2) The solicitation is carried out more than thirty (30) days after the date of the accident or disaster.

(b) Health care prescribers shall maintain:

(1) Telemarketing transcripts for a period of two (2) years following their utilization.

(2) A log of contacts for a period of two (2) years following a telemarketing encounter.

(c) This section does not prohibit solicitation by targeted direct-mail advertising or other forms of written, radio, or television advertising; provided, that the advertising does not involve coercion, duress, or harassment and is not false, deceptive, or misleading.

(d)

(1) Any agreement to pay a health care prescriber for services that were rendered by the health care prescriber as a direct result of a violation of this section is void and unenforceable. No person may collect or pursue collection for any debt arising from such an agreement.

(2) A patient or person who paid on behalf of a patient is entitled to a complete refund of any money paid for services that were rendered by a health care prescriber as a direct result of a violation of this section.

(e) The division is authorized and empowered to petition any circuit or chancery court having jurisdiction to enjoin any person who is violating this section. No injunction bond shall be required of the division in such proceedings, and jurisdiction is conferred upon the circuit and chancery courts of this state to hear such cases.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.